

REMARKS

I. General

Claims 1-18 were pending in the present application. All of claims 1-18 are rejected in the current Office Action (mailed June 19, 2007). The current Office Action raises the following issues:

- Claims 4 and 8-13 are objected to for informalities;
- Claims 8-13 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter;
- Claims 1-2, 5-6, 8, 11-12, and 14-15 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,910,049 to Fenton et al. (hereinafter "*Fenton*");
- Claims 3-4, 9-10, and 16-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Fenton* in view of "How To and Support FAQ"; and
- Claims 7, 13, and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Fenton* in view of U.S. Patent No. 6,301,664 to Di-Crescenzo et al. (hereinafter "*Di-Crescenzo*").

In response, Applicant respectfully traverses the outstanding objections and claim rejections, and requests reconsideration and withdrawal thereof in light of the amendments and remarks presented herein.

II. Claim Amendments

Claims 1, 4-5, 8-12, and 14 are amended herein, and new claims 19-20 are added herein. No new matter is added by these amendments and newly added claims.

Independent claim 1 is amended herein to recite that the staging folder is created "within a file system" of the server. No new matter is added by this amendment, *see e.g.*, paragraphs 0006-0007 and 0016-0018 of the specification, and FIGURE 3A.

Claim 4 is amended herein to replace “said” with “a” to resolve a lack of antecedent basis informality, thus resolving the informality noted in the current Office Action. Claim 10 is likewise amended to replace “said” with “a” to resolve a lack of antecedent basis informality, thus resolving the informality noted in the current Office Action.

Claim 5 is amended to further recite “wherein said blank index file inhibits default directory listing of said staging folder in said file system.” No new matter is added by this amendment, *see e.g.*, paragraphs 0006-0007 and 0016-0018 of the specification.

Independent claim 8 is amended herein. First, the preamble of claim 8 is amended to recite “wherein said computer program logic comprises code that when executed by a computer causes the computer to perform a method comprising:”. And, the body of claim 8 is amended to remove all references to “code for”. Similarly, dependent claims 9, 11, and 12 are amended to remove all references to “code for”. These amendments are not intended to narrow the scope of the claims in any way, but are instead intended as a mere cosmetic change that changes the wording of the claim without narrowing the scope of the claims. The current Office Action asserts that claims 8-13 were improper because the Examiner asserts that the claims were directed to computer program product with code recorded thereon, which the Examiner asserted was non-functional descriptive material. Page 2 of the Office Action. Applicant respectfully disagrees, and respectfully submits that the claims clearly recited that the computer program product comprised “code for” performing various operations, thus rendering the claims directed to functional code, rather than to non-functional descriptive material.

However, to advance prosecution of this application, Applicant has amended the wording of claims 8, 9, 11, and 12 in a manner that does not narrow their scope in any way, but rather merely restates in a different way that the computer code is executable by a computer to cause the computer to perform the recited actions. Thus, the modified wording of the claim is not believed to narrow the scope of the claim, but rather merely states in a different way that the code is computer-executable.

Claim 8 is further amended to recite that the recited detecting of an index is “in a file system of a Web server”, and the recited generating of a staging folder is “in said file system of said Web server”. Claim 8 is also amended to recite that the storing of the file assets to be staged are stored “in said staging folder”, and to recite “wherein said file assets are served by said Web server to users accessing said staging folder”. Claim 8 is also amended to delete the recitation of “wherein said staging folder prevents unauthorized listing of contents of said staging folder”, and to instead recite “inhibiting listing of said staging folder in a default directory listing of said file system by said Web server”. No new matter is added by these amendments, *see e.g.*, paragraphs 0006-0007 and 0016-0018 of the specification, and FIGURE 3A.

Claim 11 is amended to further recite “wherein said empty index inhibits said listing of said staging folder in said default directory listing of said file system by said Web server”. No new matter is added by this amendment, *see e.g.*, paragraphs 0006-0007 and 0016-0018 of the specification.

Independent claim 14 is amended to recite that the review folder is “in a file system of” the live Web server. Claim 14 is further amended to recite “wherein said blank index inhibits listing by said Web server of said review folder in a default directory listing of said file system”. And, claim 14 is amended to recite “wherein said proposed file content is served by said Web server to users accessing said file name.” No new matter is added by these amendments, *see e.g.*, paragraphs 0006-0007 and 0016-0018 of the specification, and FIGURE 3A.

New claims 19 and 20 are added. No new matter is added by these newly added claims, *see e.g.*, paragraphs 0006-0007 and 0016-0018 of the specification.

III. Claim Objections

Claims 4 and 8-13 are objected to for informalities. Applicant respectfully submits that the above amendments resolve the informalities objected to in the current Office Action, and therefore respectfully requests that the objections be withdrawn.

IV. Rejections Under 35 U.S.C. §101

As explained above, Applicant respectfully disagrees with the Examiner's assertion that claims 8-13 were directed to non-statutory subject matter. And, as discussed above, the non-narrowing amendment to those claims is intended to illuminate for the Examiner that these claims are directed to proper statutory subject matter. Therefore, Applicant respectfully requests that the rejection of claims 8-13 under 35 U.S.C. §101 be withdrawn.

V. Rejections Under 35 U.S.C. §102(e) over *Jackson*

Claims 1-2, 5-6, 8, 11-12, and 14-15 are rejected under 35 U.S.C. §102(e) as being anticipated by *Fenton*. To anticipate a claim under 35 U.S.C. § 102, a single reference must teach every element of the claim, *see* M.P.E.P. § 2131. Applicant respectfully submits that claims 1-2, 5-6, 8, 11-12, and 14-15 are not anticipated by *Fenton* because *Fenton* fails to teach each and every element of the claims, as discussed further below.

Independent Claim 1

Independent claim 1, as amended herein, recites: “creating a staging folder within a file system of said server, wherein said staging folder does not default to a directory listing of said file system when accessed” (emphasis added). *Fenton* fails to teach at least the above-emphasized element of claim 1. That is, *Fenton* fails to teach creating a staging folder within a file system of the server. The Examiner asserts that the database to which digital assets may be stored in *Fenton* provides a staging folder. However, as amended herein, claim 1 specifies that the staging folder is within a file system of the server. As described in the specification of the present application (e.g., in connection with FIGURE 3A), the staging folder is created in the server's file system. Thus, the staging folder to which the recited file assets are stored is not a database as the database of *Fenton*, but is instead a folder within the server's file system. In this way, file assets can be staged on the live server by being placed in a staging folder in the server's file system, rather than requiring use of a separate database for managing the storage of the assets.

For at least the above reason, *Fenton* fails to teach all elements of claim 1, and therefore the rejection of claim 1 should be withdrawn.

Independent Claim 8

Independent claim 8, as amended herein, recites:

detecting, in a file system of a Web server, an index of said Web server;
generating, in said file system of said Web server, a staging folder;
storing, in said staging folder, said file assets to be staged according to
names that include a random string, wherein said file assets are served by said
Web server to users accessing said staging folder; and
inhibiting listing of said staging folder in a default directory listing of said
file system by said Web server. (Emphasis added).

Fenton fails to teach at least the above-emphasized elements of claim 8. First, as discussed above with claim 1, *Fenton* fails to teach generating a staging folder in a file system of a Web server. Instead, *Fenton* stores digital assets to a separate database structure. Additionally, *Fenton* fails to teach inhibiting listing of such staging folder in a default directory listing of the Web server's file system. As described in the present application, certain embodiments enable a live server to host file assets in a staging folder such that the file assets are served by the server to users accessing such staging folder. However, unauthorized access to the staging folder is discouraged by inhibiting listing of the staging folder in a default directory listing of the server's file system, thereby making it difficult for unauthorized users to discover such staging folder. *Fenton* provides no teaching whatsoever of inhibiting listing of a staging folder that is present in the server's file system in a default directory listing of the server's file system.

For at least the above reasons, *Fenton* fails to teach all elements of claim 8, and therefore the rejection of claim 8 should be withdrawn.

Independent Claim 14

Independent claim 14, as amended herein, recites:

opening a review folder in a file system of said live Web server;
creating a blank index on said review folder, wherein said blank index is
named according to a name of said index file, wherein said blank index inhibits
listing by said Web server of said review folder in a default directory listing of
said file system; (Emphasis added).

Fenton fails to teach at least the above-emphasized elements of claim 14. First, as discussed above with claim 1, *Fenton* fails to teach a review folder in a file system of a Web server. Instead, *Fenton* stores digital assets to a separate database structure. Additionally, *Fenton* fails to teach creating a blank index that inhibits listing by the Web server of the review folder in a default directory listing of the file system. As described in the present application, certain embodiments enable a live server to host file assets in a review (e.g., staging) folder such that the file assets are served by the server to users accessing such review folder. However, unauthorized access to the review folder is discouraged by inhibiting listing of the review folder in a default directory listing of the server's file system, thereby making it difficult for unauthorized users to discover such review folder. *Fenton* provides no teaching whatsoever of a blank index inhibiting such listing of a review folder that is present in the server's file system.

For at least the above reasons, *Fenton* fails to teach all elements of claim 14, and therefore the rejection of claim 14 should be withdrawn.

Dependent Claims

Each of dependent claims 2, 5-6, 11-12, and 15 depends, either directly or indirectly, from one of independent claims 1, 8, and 14 (and thus inherits all limitations of its respective independent claim). In view of the above, Applicant respectfully submits that independent claims 1, 8, and 14 are of patentable merit. It is respectfully submitted that dependent claims 2, 5-6, 11-12, and 15 are allowable at least because of their dependency from their respective independent claims for the reasons discussed above.

VI. Rejections Under 35 U.S.C. §103

Claims 3-4, 9-10, and 16-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Fenton* in view of “How To and Support FAQ”, and claims 7, 13, and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Fenton* in view of *Di-Crescenzo*. Each of dependent claims 3-4, 7, 9-10, 13, and 16-18 depends, either directly or indirectly, from one of independent claims 1, 8, and 14 (and thus inherits all limitations of its respective independent claim). In view of the above, Applicant respectfully submits that independent claims 1, 8, and 14 are of patentable merit. Further, “How To and Support FAQ” and *Di-Crescenzo* do not provide the above-noted deficiencies in *Fenton* with regard to independent claims 1, 8, and 14. Thus, it is respectfully submitted that dependent claims 3-4, 7, 9-10, 13, and 16-18 are allowable at least because of their dependency from their respective independent claims for the reasons discussed above.

VII. Newly Added Claims

Claims 19-20 are added herein, which depend from independent claim 1, and are thus believed to be patentable over *Fenton* for at least the reasons discussed above with claim 1.

VIII. Conclusion

In view of the above, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. M060 from which the undersigned is authorized to draw.

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Respectfully submitted,

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